

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES

v.

KINGLEY R. CHIN,
ADITYA HUMAD, and
SPINEFRONTIER, INC.,
Defendants.

No. 1:21-cr-10256-IT

**DEFENDANTS’ ASSENTED-TO MOTION TO PROVISIONALLY SEAL THEIR
OPPOSITION TO PROSECUTION’S MOTION
FOR PRE-TRIAL DEPOSITION OF MATERIAL WITNESS [D.E. 184]
AND CROSS-MOTION TO CONTINUE TRIAL**

Defendants, with the assent of the government, request leave to file provisionally under seal their Opposition to Prosecution’s Motion for Pre-Trial Deposition of Material Witness [D.E. 184] and Cross-Motion to Continue Trial (“Opposition”). As grounds for this motion for provisional sealing, Defendants state that the Opposition contains grand jury material, which has been sealed at the government’s behest in prior proceedings in this case.

For reasons detailed elsewhere, *see, e.g.*, D.E. 183, Defendants object to blanket sealing of grand jury material in this post-indictment setting. Defendants have always understood Local Rule 106.1(b) to apply only to materials relating to active, ongoing grand jury proceedings. Any other reading would be inconsistent with common practice in other indicted cases, Fed. R. Crim. P. 6, and decisions such as *United States v. Kravetz*, 706 F.3d 47, 59 (1st Cir. 2013) (“only the most compelling reasons can justify non-disclosure of judicial records’ that come within the scope of the common-law right of access”), which post-dates adoption of the Local Rule in 1990.

Nevertheless, given the government's position and previous sealing orders, defendants seek in an abundance of caution to redact certain grand jury information provisionally until the Court rules on the defendants' motion to unseal.

Defendants will provide the proposed sealed Opposition to the Clerk and file a redacted version of the Opposition on the public docket.

Respectfully submitted,

ADITYA HUMAD

By his attorneys,

/s/ William W. Fick

Daniel N. Marx (BBO #674523)
William W. Fick (BBO #650562)
FICK & MARX LLP
24 Federal Street, 4th Floor
Boston, MA 02110
(857) 321-8360
dmarx@fickmarx.com
wfick@fickmarx.com

**KINGSLEY CHIN and
SPINEFRONTIER, INC.**

By their attorneys,

/s/ Barry S. Pollack

Barry S. Pollack (BBO #642064)
Joshua L. Solomon (BBO #657761)
POLLACK SOLOMON DUFFY LLP
31 St. James Avenue, Suite 940
Boston, MA 02116
(617) 439-9800
bpollack@psdfirm.com
jsolomon@psdfirm.com

Dated: July 26, 2024

LOCAL RULE 7.1 CERTIFICATION

Undersigned counsel hereby certifies that counsel for Defendants conferred in good faith with counsel for the government. While the government assents to sealing, the parties were otherwise unable to narrow or resolve the issues presented in this Motion.

/s/ William W. Fick

CERTIFICATE OF SERVICE

I, William W. Fick, certify that this document filed on July 26, 2024, through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ William W. Fick